

## **TITLE 16. BOARD OF OCCUPATIONAL THERAPY**

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than fifteen (15) days before the close of the written comment period. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 10, 2004. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the actions substantially as described below or may modify such actions if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this action or who have requested notification of any changes to the action.

Authority and Reference: Pursuant to the authority vested by Sections 2570.5 and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific Section 2570.5 of said Code, the Board is considering changes to Division 39 of Title 16 of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:**

On January 1, 2003, Senate Bill 2021 (Figueroa, Chapter 1011, Statutes of 2001) took effect, authorizing the Board to grant a limited permit to provide occupational therapy services to persons who have completed the education and experience requirements. The purpose of the proposed regulation is to clarify the basis upon which limited permits are granted.

Section 4123: Existing law grants authority to the Board to issue a limited permit to practice occupational therapy to persons who have completed all education and experience requirements and are waiting to take the first available examination or awaiting the announcement of the results of the examination. The proposed regulation would require a person applying for a limited permit to take and pass the National Board for Certification in Occupational Therapy (NBCOT) licensing examination within four (4) months of completing the education and experience requirements; require the applicant to forward, upon receipt from NBCOT, a copy of the Authorization to Test letter to the Board; establish that the limited permit shall be valid for four (4) months or upon receipt of a failing result, whichever occurs first; require the limited permit holder to immediately notify the Board of the results of the examination; establish that the fee submitted by the limited permit holder shall be applied towards the initial license or certificate fee in the event the limited permit holder passes the examination on his/her first attempt; and establish that the limited permit shall be cancelled and the fee forfeited, should the limited permit holder fail to pass the first examination.

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None.

The proposed regulations do not directly regulate businesses, do not require reports or any other compliance activities.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

Those seeking a limited permit would incur the cost of a limited permit fee (established in existing regulation at \$100).

Effect on Housing Costs: None

## EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the regulations do not regulate small businesses, do not require reports or any other compliance activities.

## CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative to the regulation would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Occupational Therapy at 444 North Third Street, Suite 410, Sacramento, California 95814.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person listed below or by accessing the website listed below.

## CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Janet Yagi  
California Board of Occupational Therapy  
444 North Third Street, Suite 410  
Sacramento, CA 95814  
(916) 322-3278  
(916) 445-6167 (FAX)  
[Janet\\_Yagi@dca.ca.gov](mailto:Janet_Yagi@dca.ca.gov)

The backup contact person is:

Jeff Hanson  
California Board of Occupational Therapy  
444 North Third Street, Suite 410  
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Website Access: Materials regarding this proposal can be found at [www.bot.ca.gov](http://www.bot.ca.gov).